



California
Department of
Health Services

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Department of Health Services



ARNOLD SCHWARZENEGGER
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TO: Interested Parties

FROM: Mark B. Horton, MD, MSPH
State Public Health Officer

SUBJECT: Exemption To Health And Safety Code Section 124172(a) For Use of Mercury-Containing Influenza Vaccine In Children Younger Than 3 Years of Age From November 2, 2006 – December 14, 2006

In 2004, in order to ensure that pregnant women and children under age 3 have access to mercury-free vaccines, Governor Schwarzenegger signed AB 2943 (Pavley, Chapter 837, Statutes of 2004). Effective July 1, 2006, AB 2943 provides that vaccines containing specific levels of mercury cannot be administered to pregnant women and young children, except under certain circumstances.

Each year, approximately 36,000 people in the United States die from influenza and its complications, and at least 200,000 are hospitalized. During the 2004 flu season, more than 150 children in the U.S. died from influenza, and many more were hospitalized as a result of complications. No other vaccine-preventable disease kills more people in this country.

Otherwise healthy young children are hospitalized for influenza at rates comparable to other groups considered at high risk for influenza-related complications. In the past 2005-06 season in California, at least 112 children were hospitalized in intensive care because of influenza, and at least 16 died.

National recommendations for influenza vaccination for the 2006-07 season have been expanded from all children 6-23 months old to all children 6-59 months old, including the 6-35 month old children affected by the new mercury limits in California law.

However, because of delays in production or shipment, California is experiencing a temporary shortfall of the only formulation of influenza vaccine that meets California's new mercury standard for children under the age of 3 years. Sufficient additional supplies of mercury-free vaccines are anticipated to be available within six weeks; however, while waiting for this supply, we could lose an irretrievable opportunity to protect California's young children with influenza vaccine.

Because the delay in supply is creating a dangerous situation for our youngest children, the California District of the American Academy of Pediatrics, California Medical Association, California Academy of Family Physicians and Kaiser Permanente have all called for an exemption to allow use of thimerosal-containing vaccine in young children. These groups have expressed well-founded concerns that some parents do not have the option to delay vaccination because of personal barriers, like access to transportation.

Given the inadequate supply of mercury-free influenza vaccine and the risk of fatal disease or hospitalization from influenza, Health and Human Services Agency Secretary Kimberly Belshé exercised the authority provided by AB 2943, with concurrence from Governor Schwarzenegger, and granted an exemption from California Health and Safety Code section 124172 (a) for use of thimerosal-containing influenza vaccine in children younger than 3 years of age from November 2, 2006 – December 14, 2006. This temporary exemption will allow influenza vaccine to be administered throughout the autumn and winter to children younger than three years old to protect against severe illness or death.

Secretary Belshé and Governor Schwarzenegger granted this exemption because of the health risk posed by influenza to young children, and because there is currently insufficient mercury-free influenza vaccine in California for them.

Governor Schwarzenegger and Secretary Belshé remain deeply committed to implementing AB 2943 and ensuring that pregnant women and young children have access to mercury-free vaccines. The Administration is continuing to urge California's physicians to use mercury-free vaccine for young children, including influenza vaccine, whenever possible. Physicians are being asked to discuss their current and future availability of thimerosal-free vaccine with parents and guardians prior to immunization. The Governor is contacting manufacturers of mercury-free vaccines to underscore the importance of maximum production and availability of the vaccines.

If you have any questions, please contact the California Department of Health Services Immunization Branch at (510) 620-3737.